

**FRENCHTOWN CHARTER TOWNSHIP
RECREATIONAL VEHICLES ORDINANCE
Ord. No. 105; Date of Adoption: August 1974**

An Ordinance regulating the operation of snowmobiles, minibikes, motor driven cycles and other motor driven recreational vehicles in the Township, and providing penalties for the violations thereof.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

- A. "Snowmobile" means any motorized vehicle designed for travel primarily on snow or ice in a natural terrain steered by wheels, skis or runners.
- B. "Minibike" means any two wheel cycle driven by an internal combustion engine having a saddle or seat for the use of the rider and not being licensed as a motor vehicle within this State, regardless of the horsepower of said vehicle.
- C. "Motor Driven Cycle" means every motorcycle, including every motorscooter, with a motor which produces not to exceed five (5) maximum brake horsepower, and every bicycle with motor attached.
- D. "Other Recreational Vehicle" means any power driven vehicle, whether steered propeller, track, wheels, or skis designed or manufactured primarily for operation as recreation, including professional competition, not being eligible for licensing and registration under the Michigan Motor Vehicle Code.
- E. "Owner" means any person, other than a lienholder, having property in or title to a snowmobile, minibike, motor driven cycle or other recreational vehicle entitled to the use or possession thereof.
- F. "Operate" means to ride in or on and to control the operation of a snowmobile, minibike, motor driven cycle or other recreational vehicle.
- G. "Operator" means any person who operates or who is in the actual physical control of a snowmobile, minibike, motor driven cycle or other recreational vehicle.
- H. "Dealer" means any person engaged in the sale, lease or rental of snowmobiles, minibikes, motor driven cycles and other motor driven recreational vehicles.

Section 2. Registration.

This Ordinance requires that:

- A. No snowmobile shall be operated in the Township unless it shall first have been registered and a certificate of registration obtained and displayed pursuant to Act No. 178 of the Public Acts of 1971.
- B. The display of an identification number on the snowmobile in the manner as required by Act No. 178 of the Public Acts of 1971 is also required and made a part of this Ordinance.

Section 3. Registration; Exception.

This Ordinance does not require that:

- A. The registration provisions of Section 2 A and B apply to snowmobiles operated solely and exclusively on lands owned by or under the control of the snowmobile owner.

Section 4. Equipment Required.

- A. All snowmobiles operated in the Township shall have the following equipment:
 - 1. At least one headlight, one taillight and adequate brakes capable of one of the following while the snowmobile travels on packed snow and carries an operator who weights 175 pounds or more: (a) stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles per hour; or (b) locking the snowmobiles' traction belt or belts.
 - 2. All sleds or separate passenger compartments if any shall be properly maintained and in good working order to reasonably assure the safety of passengers, if any.
- B. All minibikes, motor driven cycles and other recreation vehicles shall have the following equipment:
 - 1. A muffler or mufflers properly attached, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
 - 2. Adequate brakes all in good working order.
 - 3. All safety devices such as the particular vehicle might be equipped with should be maintained in good working order.
- C. A dealer shall maintain in safe operating condition all snowmobiles, minibikes, motor driven cycles and other motor driven recreational vehicles rented, leased or

furnished by him. The dealer, his agents or employees shall explain the operation of the snowmobile, minibike, motor driven cycle and other motor driven recreational vehicle being rented, leased or furnished and if such dealer, his agent or employee believes the person to whom the snowmobile, minibike, motor driven cycle and other motor driven recreational vehicle is to be rented, leased or furnished is not competent to operate such snowmobile, minibike, motor driven cycle and other motor driven recreational vehicle with competency to himself and to the safety of others, he shall refuse to rent, lease or furnish the same.

Section 5. Operating Regulations.

- A. A person shall not operate a snowmobile upon a public highway, land used as an airport or street or on a public or private parking lot not specifically designated for the use of snowmobiles except under the following conditions and circumstances:
1. When it is impracticable to gain immediate access to an area adjacent to a public highway, the snowmobile may be operated on the right of way adjacent and parallel to the roadway for the sole purpose of gaining access to and from the area of operation by the most direct route. Loading and unloading of the snowmobile shall be accomplished with due regard to safety at the nearest possible point to the area of operation.
 2. A snowmobile may be operated across a public highway other than a limited access highway, at right angles to the highway for the purpose of getting from one area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area. An operator shall bring his snowmobile to a complete stop before proceeding across any public highway and shall yield the right of way to all oncoming traffic.
 3. Snowmobiles may be operated on a highway in a county road system which is not normally snowplowed for vehicular traffic and on any snowplowed highway in the county road system, outside the corporate limits of a city or village, which is designated and marked for snowmobile use by the county road commission having jurisdiction.
 4. A duly constituted law enforcement officer of the Township of Frenchtown may authorize use of a snowmobile on a public highway or street within his jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
 5. A snowmobile may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event

may be conducted on the frozen surface of public waters only under permit from the department of natural resources.

- B. No person shall operate nor shall an owner allow to be operated a snowmobile, minibike, motor driven cycle or other recreational vehicle in the following manner:
1. In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person.
 2. At a rate of speed greater than is reasonable and proper, having due regard for conditions then existing.
 3. In a manner which would cause loud, unnecessary or unusual noise which would unreasonably interfere with the peace and quiet of other persons.
 4. While the operator is under the influence of any intoxicating liquor, other intoxicating beverage or narcotic drug in any form.
 5. While transporting thereon a bow or firearm unless same be properly encased.
 6. One-half hour before sunrise or one-half hour after sunset unless the said vehicle shall be equipped with and have illuminating at least one headlight and at least one taillight.

Section 6. Restrictions and Regulations; Place of Operation.

- A. No person shall operate nor shall the owner allow to be operated a snowmobile, minibike, motor driven cycle or other recreational vehicle:
1. On any road public or private unless properly licensed or permitted by the Secretary of State to do so.
 2. On the private property of another without the express permission to do so by the owner or occupant of said property.
 3. On public school grounds, park property, play grounds, and recreation areas or any other public property, without express permission or provision to do so by proper public authority.

Amended by Ordinance No. 105-1 October 10, 2000.

- B. A person shall not operate snowmobiles:
1. In any forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area.
 2. On the frozen surface of public waters within 100 feet of a person, including but not limited to a skater, not in or upon a snowmobile or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.
 3. Unless it is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from vehicle path under full throttle having characteristics defined by American Standards Association S1, 4-1966 "general purpose sound meter". All snowmobiles manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 DBA of the 1970 Society of Automotive Engineers Code J-192.
 4. Within 100 feet of a dwelling between 12 midnight and 6 AM at a speed greater than minimum required to maintain forward movement of the snowmobile.
 5. In or upon or remain unlawfully on premises which are fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to him by the owner or an authorized person. A person shall not operate a snowmobile in or upon farmlands, farm woodlots or platted property without permission of the landowner.
 6. On or across a cemetery or burial ground.
 7. Within 100 feet of a slide, ski or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
 8. On a railroad or railroad right of way, except railroad, public utility or law enforcement personnel while in the performance of their duties.

Section 7. Unattended Vehicles.

No operator or owner shall allow or cause to be allowed a snowmobile, minibike, motor driven cycle or other recreational vehicle:

1. To remain unattended on public property while the motor is running.
2. To remain unattended on public property with the keys for starting left in the ignition or otherwise in open view.

Section 8. Parental Responsibility For Operation By Children.

- A. A parent of legal guardian shall not permit his child who is under the age of 12 to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian.
- B. A person who is at least 12 but less than 16 years of age may operate a snowmobile if:
 1. He is under the direct supervision of a person who is 18 years of age or older.
 2. He has in his immediate possession a snowmobile safety certificate issued pursuant to Section 4b of Act No. 178 of the Public Acts of 1971.
 3. He is on land owned or under the control of his parent or legal guardian. A person who is operating a snowmobile pursuant to subdivision shall present the snowmobile safety certificate to any peace officer upon demand.
- C. Notwithstanding Section 12, an operator who is under 12 years of age shall not cross a highway or street. An operator who is at least 12 years of age but less than 16 years of age, may cross a highway or street only if he has a valid snowmobile safety certificate in his immediate possession.
- D. The owner of a snowmobile shall not permit his snowmobile to be operated contrary to this Section.

Section 9. Violation, Misdemeanor, Appearance Ticket, Owner Presumed Operator.

- A. A peace or police officer may issue appearance tickets for violations of this act pursuant to sections 9e of Chapter 4 of Act No. 175 of the Public Acts of 1927, as added, being Sections 764.9a to 764.9c of the Compiled Laws of 1948.

- B. In a proceeding for a violation of this act involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of the offense.
- C. Any person who shall violate this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars and costs of prosecution or by imprisonment in the County Jail for a period not to exceed 90 days or by both such fine and imprisonment in the discretion of the Court.

Section 10. Severability.

The sentences, sections, provisions and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid by a court of competent jurisdiction, such findings shall in no way affect or invalidate the remaining provisions of this Ordinance.

Section 11. Effective Date.

This Ordinance shall become effective thirty (30) days after publication in the Monroe Evening News, a newspaper having general circulation in Frenchtown Charter Township, Monroe County, Michigan.